

APPENDIX 5

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



RHÔNE-POULENC AGRO S.A.,  
(Now known as Aventis CropScience SA)  
Plaintiff,

v.

MONSANTO COMPANY  
(Now known as Pharmacia Corporation)

and

DEKALB GENETICS CORPORATION,  
Defendants.

C.A. NO. 1:97cv1138

VERDICT FORM

Questions Directed to the Spencer 497 Patent

- A. Has RPA proven by clear and convincing evidence that the named inventors of the Spencer 497 patent did not alone conceive the entire scope of the subject matter of claim 46?  
YES ☒ NO ☐

If the answer to this question is "Yes" please go to and consider the next question. If the answer is "No", please go to Question B.

- A1. Has RPA proven by clear and convincing evidence that one or more of its scientists contributed to the conception of claim 46 of the Spencer 497 patent?  
YES ☒ NO ☐

If the answer to the above question is "Yes", please place a check mark by the name of the scientist or scientists who made such a contribution, then go to and consider question A2. If "No", please go to and consider Question B.

Rick DeRose ☒  
Georges Freyssinet ☒  
Michel Lebrun ☒  
Bernard Leroux ☒  
Alain Sailland ☒

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- A2. Has RPA proven by clear and convincing evidence that one or more of RPA's scientists contributed to the conception of claim 46 by providing to DeKalb the DNA constructs included in transformation events GG25, GA21, GJ11 and FI117 of claim 46?

YES ☒ NO ☐

If the answer to the above question is "YES", please place a check mark by the name of the scientist or scientists who contributed to the DNA constructs.

Rick DeRose ☒  
 Georges Freyssinet ☒  
 Michel Lebrun ☒  
 Bernard Leroux ☒  
 Alain Sailland ☒

- A3 Has RPA proven by clear and convincing evidence that transformation events GG25, GA21, GJ11, AND FI117 were products of a collaboration between one or more of RPA and DeKalb scientists?

YES ☒ NO ☐

- A4a. Has RPA proven by clear and convincing evidence that the scientist or scientists beside whose name you have placed a check mark in response to Question A1 did more than contribute well known principles or disclose what was shown in publicly available scientific literature or describe what was then available in the marketplace or explain how the material in the public domain works or did more than explain to the DeKalb scientists concepts that are well-known and the current state of the art?

YES ☒ NO ☐

If the answer to the above question is "Yes", please place a check mark by the name of the scientist or scientists who made such a contribution.

Rick DeRose ☒  
 Georges Freyssinet ☒  
 Michel Lebrun ☒  
 Bernard Leroux ☒  
 Alain Sailland ☒

AB  
 9/1/00

- A4b. Has RPA proven by clear and convincing evidence that the scientist or scientists beside whose name you have placed a check mark in response to Question A1 made a contribution to the claimed invention that is not insignificant in quality, when that contribution is measured against the dimension of the full invention?

YES ☒ NO ☐

If the answer to the above question is "YES", please place a check mark by the name of the scientist or scientists who made such a contribution.

Rick DeRose ☒  
Georges Freyssinet ☒  
Michel Lebrun ☒  
Bernard Leroux ☒  
Alain Sailland ☒

Questions Directed to the Lundquist 798 Patent

- B. Has RPA proven by clear and convincing evidence that the named inventors of the Lundquist 798 patent did not alone conceive the entire scope of the subject matter of claim 1?

YES ☒ NO ☐

If the answer to this question is "Yes" please go to and consider the next question. If the answer is "No", please have the foreperson sign and date the signature page of this verdict form and return to the courtroom.

- B1. Has RPA proven by clear and convincing evidence that one or more of its scientists contributed to the conception of claim 1 of the Lundquist 798 patent?

YES ☒ NO ☐

If the answer to the above question is "Yes", please place a check mark by the name of the scientist or scientists who made such a contribution then go to and consider question B2. If "No", please have the foreperson sign and date the signature page of the verdict form and return to the courtroom.

Rick DeRose ☒  
Georges Freyssinet ☒  
Michel Lebrun ☒

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Bernard Leroux ✓  
Alain Sailland ✓

B2. Has RPA proven by clear and convincing evidence that RPA's scientists contributed to the conception of claim 1 by:

- a) contributing to the conception of fertile transgenic corn containing DNA constructs encoding non-bacterial mutated plant EPSP synthases?

YES ✓ NO \_\_\_\_\_

If the answer to the above question is "Yes", please place a check mark by the name of the scientist or scientists who made such a contribution.

Rick DeRose ✓  
Georges Freyssinet ✓  
Michel Lebrun ✓  
Bernard Leroux ✓  
Alain Sailland ✓

- b) contributing to the conception of fertile transgenic corn containing DNA constructs encoding EPSP synthases that provide glyphosate resistance to corn?

YES ✓ NO \_\_\_\_\_

If the answer to the above question is "Yes", please place a check mark by the name of the scientist or scientists who made such a contribution.

Rick DeRose ✓  
Georges Freyssinet ✓  
Michel Lebrun ✓  
Bernard Leroux ✓  
Alain Sailland ✓

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- B3. Has RPA proven by clear and convincing evidence that claim 1 was the product of a collaboration between RPA and DeKalb scientists or work under common direction?

YES ☒ NO ☐

If your answer is "Yes", please place a check mark by the name of the scientist or scientists who participated in the collaboration or joint effort either with DeKalb scientists or other RPA scientists who were participating in the joint effort with DeKalb scientists.

Rick DeRose ☒  
Georges Freyssinet ☒  
Michel Lebrun ☒  
Bernard Leroux ☒  
Alain Sailland ☒

- B4a. Has RPA proven by clear and convincing evidence that the scientist or scientists beside whose name you have placed a check mark in response to Question B1 did more than contribute well known principles or disclose what was shown in publicly available scientific literature or describe what was then available in the marketplace or explain how the material in the public domain works or did more than explain to the DeKalb scientists concepts that are well-known and the current state of the art?

YES ☒ NO ☐

If the answer to the above question is "Yes", please place a check mark by the name of the scientist or scientists who made such a contribution.

Rick DeRose ☒  
Georges Freyssinet ☒  
Michel Lebrun ☒  
Bernard Leroux ☒  
Alain Sailland ☒

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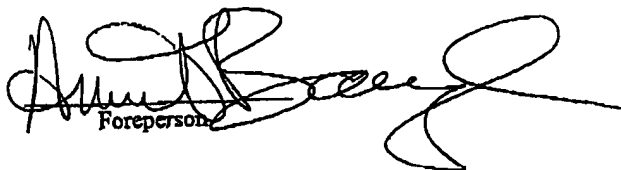
B4b. Has RPA proven by clear and convincing evidence that the scientist or scientists beside whose name you have placed a check mark in response to Question B1 made a contribution to the claimed invention that is not insignificant in quality, when that contribution is measured against the dimension of the full invention?

YES ☒ NO ☐

If the answer to the above question is "Yes", please place a check mark by the name of the scientist or scientists who made such a contribution.

Rick DeRose ☒  
Georges Freyssinet ☒  
Michel Lebrun ☒  
Bernard Leroux ☒  
Alain Sailland ☒

This 1 day of <sup>Sept</sup>~~August~~, 2000

  
Foreperson

9/11/00 